

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) Case No. 11-00101-01-CR-W-ODS
)
ANDREW M. JONES,)
)
Defendant.)

**MOTION FOR CONTINUANCE
WITH SUGGESTIONS**

COMES NOW the defendant, Andrew M. Jones, by and through his counsel, Laine Cardarella, Assistant Federal Public Defender for the Western District of Missouri, in accordance with Rule 47, Fed. R. Crim. P., and Rule 7.1 (b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, and moves this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on February 13, 2012.

SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE

1. On April 20, 2011, the defendant was charged in an indictment with two counts of Attempted and Receipt of Child Pornography over the Internet, 18 U.S.C. § 2252(a)(2) and one count of Possession of Child Pornography, 18 U.S.C. § 2252(a)(4).
2. On April 21, 2011, the Office of the Federal Public Defender was appointed to represent Mr. Jones.
3. On April 28, 2011, an arraignment was held before the Honorable Sarah W. Hays, United States Magistrate Judge.
4. Counsel and the government have engaged in plea negotiations, which has highlighted an issue for defense counsel that is still in need of investigation. A brief continuance is needed.

5. Kathy Fincham, Assistant United States Attorney, has no objection to the continuance request.

6. The continuance is sought not for purpose of dilatory delay, but is sought in truth and fact that the defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. §3161(h)(7)(A) and (B)(iv), it is submitted that the above-stated reasons for a continuance outweigh the best interests of the public and the defendant to a speedy trial, which is required by 18 U.S.C. §3161(c)(1).

7. Under the provisions of 18 U.S.C. §3161(h)(7)(A) the period of time until the next criminal trial docket should be excluded in computing the period of time in which the defendant should be brought to trial under the provisions of the Speedy Trial Act.

WHEREFORE, the defendant, Andrew M. Jones, respectfully requests this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to remove this case from the Accelerated Joint Criminal Trial Docket scheduled to commence January 9, 2012, and to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on February 13, 2012.

Respectfully submitted,

/s/Laine Cardarella
LAINE CARDARELLA
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(816) 471-8282
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that one copy of the foregoing motion was electronically filed and sent to Kathy Fincham, Assistant United States Attorney, this 15th day of December, 2011.

/s/Laine Cardarella
Laine Cardarella